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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

Lincoln County Legal Counsel

ORDINANCE # 236

AN ORDINANCE REPEALING CERTAIN PROVISIONS OF LINCOLN COUNTY CODE CHAPTER SEVEN, ADDING NEW PROVISIONS, AMENDING EXISTING PROVISIONS, and DECLARING AN EMERGENCY

SECTION I: Policy and Purpose: The revisions to LCC Chapter Seven as set forth herein, identified as exhibita "A" and "B" are to reflect changes in personnel policies resulting from county labor negotiations, legislation, and development of personnel policies generally.

SECTION II: Repealer: Section 7.295(7) is hereby repealed, as set forth in Exhibit "B", attached hereto and by this reference made a part hereof.

SECTION III: New Provisions: Sections 7.205(6), 7.297, and 7.230(4), as reflected in Exhibit "A", attached hereto and by this reference incorporated herein, are hereby added to LCC Chapter Seven.

SECTION IV: Amendments to Existing Provisions: Sections 7.235; 7.275; 7.290(1), (5), and (6); and 7.295(4), and (6) are hereby amended as set forth in Exhibit "B".

SECTION V: Emergency Clause: That this ordinance, being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist and this ordinance takes effect upon its adoption.

DATED this 26th day of February, 1986

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bob Deskins
Chairman

R. D. Jantz
Commissioner

Alberta Bryant
Commissioner

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Add a new subsection (6) to Section 7.205 to read as follows:

(6) The following statement of county policy of nondiscrimination regarding employment opportunity, service to the public and access to county facilities shall be posted prominently:

LINCOLN COUNTY

STATEMENT OF NONDISCRIMINATION

IT IS THE POLICY OF THE BOARD OF COMMISSIONERS FOR LINCOLN COUNTY TO NOT DISCRIMINATE AGAINST ANY PERSON WITH REGARD TO RACE, COLOR, RELIGION, MARITAL STATUS, NATIONAL ORIGIN, SEX, AGE, OR MENTAL OR PHYSICAL HANDICAP (EXCEPT FOR BONA FIDE OCCUPATIONAL QUALIFICATIONS) RELATING TO TERMS OF EMPLOYMENT, PROVISION OF SERVICE TO THE PUBLIC, AND ACCESS TO COUNTY FACILITIES.

Anyone desiring additional information regarding this policy please contact personnel officer.

Add new Section 7.297 as follows:

SECTION 7.297

7.297 WORKER'S COMPENSATION

(1) Coverage: Employees shall be insured under the provisions of the Oregon State Worker's Compensation Act for injuries received while at work for the County.

(2) Day of Injury: The day of injury shall be considered a work day, and the employee will received the normal salary for that day.

(3) Integration with Sick Leave: Salary paid by the County for a period of leave covered by Worker's Compensation shall be equal to the difference (within \$1.00) between Worker's Compensation for the lost time and the employee's actual net salary. Actual net salary for the purpose of this section shall be defined as gross pay less the actual legal withholding exemptions to which the employee is entitled at the time of the leave and any other mandatory deductions from gross pay. Optional salary deductions, such as credit union, insurance, or United Way shall not be used in determining actual net salary. In the event the employee's legal status changes during the disability period, the actual net salary used for calculating sick leave may be modified upon written application by the employee during periods covered by Worker's Compensation. Prorated charges will be made against accrued sick leave based on actual payments to the employee.

(4) Duration of Worker's Compensation Leave: The duration of a leave of absence which results from an on the job illness or injury shall be limited to 90 calendar days. This 90 day leave may be extended for up to 3 additional 30 day periods if, in the county's opinion, it appears that the employee can reasonably be expected to return to county employment.

(5) Return-To-Work Program: It is the Board's policy to return injured workers to some form of work at the earliest possible time consistent with the ability of the worker to return as certified by the treating physician. Such employee may be assigned work other than the employee's regular job as soon as released to do so by the treating physician. In such event, the employee will be paid at the rate applicable to the employee's regular job at the time of the compensable injury for a period not to exceed 30 days, after which time the rate would be adjusted to that of the alternative job assignment.

Add to Section 7.320, Grievance Procedure, a new subsection (4) to read as follows:

(4) Discrimination Complaints: Any person who alleges an act of discrimination by the county regarding employment opportunity with the county, access to service or access to county facilities may file such complaint with the Personnel Officer who shall seek to provide a prompt and equitable solution. Should the Personnel Officer be unable to satisfactorily resolve the complaint, such person may present the complaint to the Board.

Revise Section 7.235 to read as follows:

SECTION 7.235

✓ 7.235

Departmental Personnel Regulations Appointing powers may adopt internal operating and personnel procedures, not inconsistent with the provisions of these personnel rules and collective bargaining agreements, to govern the day-to-day activities and administrative procedures of their departments.

Revise Section 7.2.- to read as follows:

SECTION 7.275

7.275

Attendance

- (1) Hours of Work Unless otherwise provided by the Board:
 - (a) hours for county offices shall be from 8:30 a.m. to 5:00 p.m. on every business day;
 - (b) the workday for full-time positions shall consist of either 7.5 or 8 hours of work as designated by the Board;
 - (c) the work week for full-time positions shall consist of either 37.5 or 40 hours of work as designated by the Board.
- (2) Alternative Work Schedules The Board may authorize alternative work schedules, such as a 4-day work week, consistent with the terms of Section 1 above.
- (3) Rest and Lunch Periods
 - (a) Rest Periods: A rest period not to exceed 15 minutes shall be permitted for each full half workday. Rest periods shall be scheduled as near the middle of each half workday as possible and shall be scheduled so that the departments are staffed at all times. Rest period time may not be accumulated or used to shorten the workday. The inability of an employee to observe a rest period or periods shall not be a basis for overtime compensation.
 - (b) Lunch Period: Employees shall be granted a non-paid lunch period not to exceed one hour during each full workday. Whenever possible,

such meal periods shall be scheduled in the middle of the workday. Lunch periods shall be scheduled so that departments with three or more employees shall be staffed at all times during business hours unless an exception is granted by the Board.

Revise subsection (1) of Section 7.290 to read as follows:

7.290 Vacation Leave

- (1) Full-Time Employees Full-time employees, after having served in county service for six continuous months, shall be credited with six work days' vacation leave and thereafter vacation leave shall be credited as follows for continuous service:

Work Hours Per Week	Hours of Accumulation Per Continuous Month	
	37.5	40
After six months of continuous service through fifth year	7.5	8
After fifth year of continuous service through tenth year	9.375	10
After tenth year of continuous service through 15th year	11.250	12
After 15th year of continuous service through 20th year	13.125	14
After 20th year	15	15

Vacation accumulation and leave charges against such accumulation shall be made on an hourly basis. Vacation leave is to be used after it is earned and not in anticipation of its accumulation.

Revise subsection (5) of Section 7.290 by deleting its last sentence.

Revise subsection (6) of Section 7.290 to read as follows:

- (6) Accumulation of Vacation Credits: The maximum accumulation of vacation leave for any employee shall be equal to twice the employee's current annual rate of vacation leave credit as provided in Section 1 of this Article. An employee who is about to lose vacation credit because of accrual limitations may, by notifying the appointing power five (5) days in advance, be absent to prevent loss of this time.

Revise subsection (4) of Section 7.295 by adding the following new paragraph:

Sick leave is to be used after it is earned and not in anticipation of its accumulation.

Revise Section 7.295 (6) to read as follows:

(6) Duration of Sick Leave: The duration of sick leave with pay due to a non-work related injury or illness, shall continue as long as the employee receives full pay from the county based on accumulated leave credits. At the time leave credit is exhausted and the employee receives no salary from the county, sick leave without pay may be granted by the appointing power for a reasonable period of disability subject to the final authorization by the Board. If sick leave without pay is approved, the appointing power may require periodic certification of the employee's physical condition from the attending physician or practitioner during the period of disability.

For the purpose of this section, a reasonable period means a period not to exceed 30 days and that during, or at the conclusion of such period, the employee can be expected to return to the employee's former position. Sick leave without pay may be approved for a lesser period, may be extended, or terminated if, in the opinion of the appointing power, it is necessary to fill the position with a replacement employee. Sick leave without pay shall

only be approved for a period having a fixed date of termination and shall not be open ended.

Delete subsection 7, Coordination with Worker's Compensation, and renumber remaining subsections accordingly.